

# **UTAH APPRAISER LICENSING AND CERTIFICATION BOARD**

Heber M. Wells Building

Room 210

9:00 a.m.

August 22, 2018

## **MINUTES**

### **DIVISION STAFF PRESENT:**

Jonathan Stewart, Division Director  
Mark Fagergren, Education and Licensing Director  
Kadee Wright, Chief Investigator  
Justin Barney, Hearing Officer  
Chad Tengler, Real Estate Analyst  
Elizabeth Harris, Assistant Attorney General  
Judith Jensen, Assistant Attorney General  
Amber Nielsen, Board Secretary  
Craig Livingston, Investigator  
Lark Martinez, Division Staff  
Desha Pages, Division Staff

### **BOARD MEMBERS PRESENT:**

John Ulibarri, Chair  
Jeffrey T. Morley, Vice Chair\*  
Jim Bringhurst, Board Member  
Richard Sloan, Board Member  
Keven Ewell, Board Member

\*Appeared telephonically

### **PUBLIC MEMBERS PRESENT:**

Tamara Melling  
Mitchell T. Brooks  
Matthew Luikart

The August 22, 2018 meeting of the Appraiser Licensing and Certification Board began at 9:03 a.m. with Chair Ulibarri conducting. Vice Chair Morley appeared telephonically.

## **PLANNING AND ADMINISTRATIVE MATTERS**

### **Approval of Minutes –**

A motion was made and seconded to approve the July 25, 2018 minutes as written. Vote: Vice Chair Morley, yes; Board Member Bringhurst, yes; Board Member Sloan, yes; Board Member Ewell, yes. The motion passes.

Public Comment Period – No public comment was given.

Election of Officers for the Upcoming Year

A motion was made and seconded to keep the officers as they are currently: John Ulibarri as Chair and Jeffrey T. Morley as Vice Chair. Vote: Chair Ulibarri, yes; Vice Chair Morley, yes; Board Member Bringhurst, yes; Board Member Sloan, yes; Board Member Ewell, yes. The motion passes.

**DIVISION REPORTS**

**DIRECTOR'S REPORT – Jonathan Stewart**

Director Stewart reported the Division is already looking to the legislation for next year. Directed Stewart discussed the ideas Craig Morley brought for potential legislation last month. He stated the Division had a conference call and discussed the three proposals. He stated there is currently a statute of limitations in civil law of 6 years, but if he stated if they want legislation in civil it would be best if it were part of a bill separate from the Division bill. On the suggestion for allowing trainees to sign report at some point, he stated the new minimum standards require half the hours and they are waiting to see if the new rules help with that problem. On the suggestion to allow appraisers to perform evaluations without USPAP requirements, he proposed a carve out. He stated other states have a carve out. He will provide more direction on this at a later meeting.

**ENFORCEMENT REPORT – Kadee Wright**

Ms. Wright reported in July the Division received 2 complaints; opened 0 new cases; closed 5 cases; leaving 28 appraisal cases open with the Division. There are a total of 3 cases now with the AG's office.

Ms. Jensen presented the following for consideration:

Stipulations for Review

Charles K. Kimber

**EDUCATION AND LICENSING REPORT – Mark Fagergren**

Mr. Fagergren reported there has been an overall increase of 31 trainees in the past twelve months.

Mr. Fagergren asked for feedback on a continuing education course which would provide training on specific data accumulation service or product, which could possibly be considered for credit. There was some discussion on this. The Board stated they would need to see an outline of the proposed course before making a determination on something like this.

Mr. Fagergren presented lists of individuals who were approved for licensing by the Division since the last meeting.

Mr. Fagergren presented lists for review.

Certified and Licensed Appraiser Applicants Approved by the Education Review Committee Recommended to be Denied by the Experience Review Committee:  
Brandon Barnett, CR Candidate

Mr. Fagergren also asked the Board their thoughts on Aaron Rosqvist's application for registration as an Appraiser Trainee.

### **BOARD AND INDUSTRY ISSUES**

Mr. Barney the rule amendment to lower the minimum standard completed the public comment period and received no comments. Yesterday was the first day the rule could have possibly been made effective.

Mr. Barney reported the amendment regarding the AMC National Registry Fees which was approved for filing last month was filed and public comment begins today. He will bring any public comments received to the Board.

Mr. Barney reported the AMC Rule Amendment which has been going on for many months was submitted to the Department of Commerce and some stylistic changes were made to that rule. A motion was made and seconded to approve the changes to the proposed AMC Rule Amendment and file for public comment. Vote: Chair Ulibarri, yes; Vice Chair Morley, yes; Board Member Bringhurst, yes; Board Member Sloan, yes; Board Member Ewell, yes. The motion passes.

A motion was made and seconded to adopt the rule amendment for lowering the minimum standards for qualifications and experience as written. Vote: Chair Ulibarri, yes; Vice Chair Morley, yes; Board Member Bringhurst, yes; Board Member Sloan, yes; Board Member Ewell, yes. The motion passes. A motion was made and seconded to make that rule effective September 4, 2018. Vote: Chair Ulibarri, yes; Vice Chair Morley, yes; Board Member Bringhurst, yes; Board Member Sloan, yes; Board Member Ewell, yes. The motion passes.

Director Stewart provided an update on the proposal to adopt the RAP Back feature on fingerprinting. Since the last meeting the Real Estate Commission met and decided to move forward with adopting RAP Back and are seeking statutory changes to require all real estate licensees, including those already licensed, to be fingerprinted. There was some discussion on this and how that might change any opinions. Board Member Sloan is against adopting RAP Back, Board Member Bringhurst supports adopting RAP Back, and Vice Chair Morley stated it might be worth pursuing for new licensees or individuals upgrading a license. There was some continued discussion. Director Stewart stated he would report back next month after meeting with the Real Estate Commission.

A motion was made and seconded to close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual. Vote: Chair Ulibarri, yes; Vice Chair Morley, yes; Board Member Bringhurst, yes; Board Member Sloan, yes; Board Member Ewell, yes. The motion passes.

### **CLOSED TO PUBLIC**

An Executive Session was held from approximately 9:55 a.m. to 9:59 a.m.

### **OPEN TO PUBLIC**

A brief recess was held from approximately 9:59 a.m. to 10:06 a.m.

### **RESULTS OF EXECUTIVE SESSION**

Mr. Barnett will be notified by mail of the results of his application to sit for the Certified Residential Appraiser exam.

The meeting continued at 10:07 a.m. for the Experience Review of Matthew Luikart.

### **EXPERIENCE REVIEW HEARING**

10:07 a.m. Matthew Luikart – Applicant

Vice Chair Morley dropped from the meeting at 11:34 a.m.

The hearing for Mr. Luikart concluded at 11:38 a.m.

A motion was made and seconded to close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual. Vote: Chair Ulibarri, yes; Board Member Bringhurst, yes; Board Member Sloan, yes; Board Member Ewell, yes. The motion passes.

### **CLOSED TO PUBLIC**

An Executive Session was held from approximately 11:38 a.m. to 11:55 a.m.

### **OPEN TO PUBLIC**

### **RESULTS OF EXECUTIVE SESSION**

Mr. Luikart will be notified by mail of the results of his experience review hearing.

A motion was made and seconded to adjourn the meeting. Vote: Chair Ulibarri, yes; Board Member Bringhurst, yes; Board Member Sloan, yes; Board Member Ewell, yes. The motion passes. The meeting adjourned at approximately 11:56 a.m.